

RULES COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A special meeting of the Rules Committee of the Suffolk County Legislature was held in the conference room of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Tuesday, **April 20, 2004**.

MEMBERS PRESENT:

Legislator Allan Binder, Chairman

Legislator Michael Caracciolo, Vice-Chairman

Legislator Jon Cooper

Legislator Andrew A. Crecca

Legislator William J. Lindsay

ALSO IN ATTENDANCE:

Mea Knapp, Legislative Counsel

Alexandra Sullivan, Chief Deputy Clerk

Ellen Martin, Aide to Legislator Binder

Roger Podd, County Executive Office

Ivan Young, County Executive Office

Frank Tassone, Aide to Legislator Crecca

Lynne Bizzarro, Chief Deputy County Attorney

Elizabeth Harrington, County Attorney's Office

MINUTES TAKEN BY:

Diana Kraus, Court Reporter

(THE MEETING WAS CONVENED AT 10:39 AM)

CHAIRMAN BINDER:

The Rules Committee will come to order. At our last meeting -- this is a special meeting of the Rules Committee -- at the last meeting, we had questions on **1196, a local law 2004 to establish criteria for Ethics Commission Appointments**, I think they've basically all been resolved. Good counsel, I was just about to ask Counsel if 1196, if there are any legal questions outstanding.

MS. KNAPP:

Let's take a very quick look at it. I think I know the bill.

CHAIRMAN BINDER:

Sure, no problem. We'll give you a moment. Okay, if the County Attorney's Office wants to make any comments pursuant to --

MS. BIZZARRO:

If anybody has any questions on it --

LEG. CARACCILO:

Just provide us a synopsis of what the changes are. Not the bill -- the clarifications.

MS. SULLIVAN:

Ladies, you have talk into the microphone.

MS. KRAUS:

State your name and position.

MS. BIZZARRO:

Lynne Bizzarro, Chief Deputy County Attorney. Yeah, there were no changes made to this bill.

LEG. CARACCILO:

Okay. What does the bill do?

MS. BIZZARRO:

This bill is -- establishes the criteria for Ethics Commission appointments. And in essence it amends section 30-2 "H", "I" - excuse me -- and "J".

LEG. CARACCILO:

What are the changes?

MS. BIZZARRO:

"H" states that no person shall be appointed to the Ethics Commission who is an elected official of the State of New York or any political subdivision thereof. Or if he was an appointee to a position of employment with the State of New York or any political subdivision thereof including the County of Suffolk. That's basically your first amendment.

LEG. CRECCA:

On that, would you suffer just so I can answer a question on that?

CHAIRMAN BINDER:

Sure.

LEG. CRECCA:

On that one there, there was some discussion privately last time at Committee with a couple of Legislators, there was a concern that that might affect some of our volunteer appointees like the Vanderbilt Museum Board, other boards. But my understanding, and please correct me if I'm wrong, is that the County Attorney's position is that this does not apply to volunteers or people who serve on commissions, even if they're subject to appointment by the Legislature or the County Executive?

MS. BIZZARRO:

That's correct. And it specifically states employment. So, absolutely.

LEG. CRECCA:

That was my question last time.

MS. BIZZARRO:

Okay. And then the third -- I'm sorry. The second change "I", which indicates that you cannot be on the Commission if you have any type of formal business relationship with an elected Suffolk County official or some type of pecuniary, which means monetary, benefit accruing from the County of Suffolk. Again, that would not apply to any type of volunteer on another committee. It also would --

LEG. CARACCILO:

Along those lines, I know Ron Cohen used to serve on this Commission. He would be precluded

from --

MS. BIZZARRO:

Because he used to serve on the Commission?

CHAIRMAN BINDER:

No. He couldn't be put back on. He couldn't be put back on.

LEG. CARACCILOLO:

Right.

CHAIRMAN BINDER:

Not while he's in the employ --

MS. BIZZARRO:

Right. No. Oh, I'm sorry, no. Correct. I didn't know who he was.

I'm sorry. That's correct. That's the thinking. And then in addition, it does go further on to any spouses, children and dependents. And then the third -- the third amendment states that no person shall be appointed to this Commission whose spouse, issue, parent, brother, sister -- again it goes through the family -- is an elected county official. So those are the three changes.

LEG. CARACCILOLO:

Does this resolution speak to the Chair of the Commission and the qualifications for the Chair?

CHAIRMAN BINDER:

No.

MS. BIZZARRO:

No, it does not.

CHAIRMAN BINDER:

It doesn't amend that section. Years ago, I think before some of the members here were around -- I think you might have been around Mike -- I had put in a whole change in the Commission's formation. And part of it were these conflict of interest rules. And, so I think it's a great thing that they're doing it and supporting the County Executive on it. We just had to get that question cleared up as to -- if someone's a volunteer, would they be precluded because we have even now volunteers who are serving. Mr. Gittleman is serving. He's a volunteer

position on the Vanderbilt; and so to be precluded wouldn't make much sense.

LEG. CARACCILO:

Okay. So when we look at the current constitution of the Ethics Board, we have a new Chair, which is Johannesen. And who are the other members? There's only three now.

CHAIRMAN BINDER:

It's Steve Gittleman --

MS. BIZZARRO:

Right. It's Steve Gittleman and John Armantano.

LEG. CARACCILO:

And they would not be affected?

CHAIRMAN BINDER:

They're not affected by this.

MS. BIZZARRO:

No, not at all.

CHAIRMAN BINDER:

It's for future boards. It really isn't for -- it's a question, the current sitting members.

LEG. CARACCILO:

Okay.

LEG. COOPER:

And also just for the record, I should point out good news for me that my domestic partner Rob could be appointed to the commission because it doesn't include domestic partners.

LEG. CARACCILO:

See, there are some benefits that the rest of us don't enjoy.

LEG. COOPER:

I just noticed this.

LEG. CRECCA:

Some of us who are married actually think that you have it good. But don't let me wife read the minutes.

CHAIRMAN BINDER:

We'll definitely have to deal with any minutes -- we'll have to deal with minutes that might go to spouses because Legislator Crecca would be in a lot of trouble.

LEG. CRECCA:

Motion.

LEG. CARACCILOLO:

Second.

CHAIRMAN BINDER:

We have a motion by Legislator Crecca, second by Legislator Caracciolo. All those in favor to report? And it will be considered today during the full Legislature. All those in favor? Opposed? **1196 is reported out. (Vote: 5-0)** And we are adjourned.

(THE MEETING WAS ADJOURNED AT 10:48 AM)